cases where prosecutions are expressly required to be instituted within a certain period[1].

Section IV.—General Remarks on Prosecutions.

It is, perhaps, necessary as a warning to say that in all graver matters of criminal law, the Forest Officer should seek legal advice, because no teaching from a Manual can supply all the details, or indicate all the exceptions, which an experienced lawyer knows how to apply under any given circumstances.

Generally, it must be observed that the prosecutor must be prepared to make out *affirmatively* the charge he makes: he cannot make a charge and say, "I cannot prove it very well; but you defend yourself, and if your defence is not complete that will show you are guilty." It is only when an *offence* is *primâ facie* brought home, that the accused must clear himself or be convicted. For example, a man's house near a river is found roofed with water-worn sleepers. It is of course possible, if not likely, that he has misappropriated them, because, it can be shown that it would not have paid him to employ sleepers that he had *bought*, for such a purpose. But the prosecution cannot simply charge the man, and say "I will stand by while *you* prove how you got the sleepers." It should establish first such a strong case, that the sleepers could not have been bought and must have been taken from stranded pieces washed up on shore, that the burden of proof to the contrary is laid on the accused.

Whenever an exception is stated in the section itself, under which a person is charged, the prosecution should be prepared to make

[1] Instances are under the Excise Act, the Arms Act, Police Act, the Copyright Act, and the Act for protecting wild elephants (VI of 1879). The French and some German laws are different. The Bavarian Forest Law (Art. 71) requires forest offences to be prosecuted within one year from the day of perpetration.

The French Code For. (Art. 185-187) (with some exceptions) fixes three months as the limit, if the *procès verbal* specifies the delinquent and six months if it does not; the "prescription" runs from the date on which the offence was formally recorded *constaté*). If there has been no *procès verbal* at all, the case is held to come under the ordinary criminal law, which gives one year or three, according to the gravity of the offence.